

VZCZCXRO5852  
OO RUEHCHI RUEHDT RUEHHM  
DE RUEHBK #3528/01 1771047  
ZNY CCCCC ZZH  
O 261047Z JUN 07  
FM AMEMBASSY BANGKOK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7878  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 4445  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 7338  
RUEHUL/AMEMBASSY SEOUL PRIORITY 3292  
RUEHKO/AMEMBASSY TOKYO PRIORITY 9445  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 1788  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 003528

SIPDIS

SIPDIS

DEPT FOR EAP/MLS

E.O. 12958: DECL: 06/26/2017

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [ASEC](#) [TH](#)

SUBJECT: THAI ACTIVISTS DENOUNCE DRAFT SECURITY LAW

REF: A. BANGKOK 3502 (DRAFT SECURITY LAW SUMMARY)

[1](#)B. BANGKOK 3499 (AMBASSADOR,S DISCUSSION WITH  
SURAYUD)

[1](#)C. BANGKOK 3402 (ISOC LEGISLATION)

Classified By: Ambassador Ralph L. Boyce, reason: 1.4 (b,d).

SUMMARY

-----  
[1](#)1. (SBU) Thai Human rights groups, democracy activists and academics have sharply criticized the draft Internal Security Act approved by the cabinet on June 19, decrying the expanded powers the legislation would give the Army Commander-in-Chief to restrict civil liberties and the potential expanded role the military would play in politics. Activists are particularly concerned about the absence of judicial oversight in the law and that a military-appointed government, rather than a democratically elected one, appears to be rushing fundamental changes to Thailand's security apparatus. End Summary.

OPPONENTS OF DRAFT LAW FIND THEIR VOICE

-----  
[1](#)2. (SBU) Following the cabinet's June 19 approval of the draft Internal Security Act (ISA - ref A), human rights activists and democracy groups have been increasingly critical of the proposed legislation which would expand the powers of the Thai military through its surrogate, the Internal Security Operations Command (ISOC). Activists initially criticized the approval of the law by a non-elected cabinet, and opposition to provisions in the law has increased in intensity as details of the legislation have emerged.

[1](#)3. (SBU) Opponents of the ISA, including representatives from human rights and democracy NGOs, civil rights activists, and academics from the country's most prestigious universities voiced their concerns at a June 25 event hosted by the National Human Rights Commission of Thailand (NHRC), an independent government agency. One NHRC commissioner who spoke at the event -- which drew a large number of journalists -- condemned the draft law as contrary to basic international civil rights values, saying it would lead to violations of human rights. (Comment: The NHRC has taken an

increasingly principled stand since the September 2006 coup by refusing to interact directly with the coup leaders. The NHRC chairman claims that the commission's authority stems from the abrogated 1997 constitution, which only authorized the NHRC to report human rights concerns directly to the cabinet. End comment.)

#### NO CHECKS AND BALANCES

-----

¶4. (C) Virtually all the law's opponents at the NHRC event called attention to the expanded powers the ISA would give the Army Commander-in-Chief, who would serve as ISOC Director and have the authority to order curfews, searches and seizures with little oversight and with no other institution to provide checks and balances. Civil liberties advocate Piroj Nualpetch claimed that the ISA would give the Army chief more power than the police and would supersede the authority of administrative courts and government agencies. (Note: This contradicts assurances by the Prime Minister that the Royal Thai Police would retain their normal powers and responsibilities under the ISA -- see Ref B. It remains unclear how authority between the police and military would be divided under the ISA. End Note.)

¶5. (C) Prior to the event, prominent human rights activist Angkana Neelapaijit, the wife of missing human rights lawyer Somchai Neelapaijit, privately told us that she is most concerned with the lack of judicial oversight in the draft law. She lamented that the law would set back a decades-long effort to encourage Thai citizens to rely on the judicial system to settle their grievances.

#### ROLE OF THE ARMY

BANGKOK 00003528 002 OF 002

-----

¶6. (SBU) Several speakers claimed that the law represented a renewed attempt by the military to influence politics through ISOC. One activist claimed the ISA would give the military unprecedented power over civilian agencies and ISOC representatives at the local level would allow the military to control "every level of society". Chulalongkorn University Political Science Professor Naruemon Tubchompol noted that similar legislation in Malaysia, Singapore and Israel gave emergency security authority to elected cabinet ministers, whereas the draft Thai ISA would invest this authority in a member of the armed forces.

#### RESTRICTIONS ON CIVIL LIBERTIES

-----

¶7. (SBU) Also worrisome to many activists is the ability of the ISOC director under the draft law to sharply curtail civil rights. Piroj feared the legislation would lead to human rights violations as the military would have the authority to order searches without warrant, detain individuals up to 30 days without charge and without access to an attorney, and hold suspects in any location of its choosing. Law professor Parinya Thevanaruemidkul expressed concerns about potential restrictions on freedoms of association, the press and speech, saying even advertisements could be censored by the military under the ISA. Even more worrisome to some activists, the ISOC director and his subordinates would not be subject to judicial oversight should they violate the law.

#### THE WRONG LAW AT THE WRONG TIME

-----

¶8. (SBU) Several speakers were suspicious of the government's motives for introducing the ISA in the current political environment, which features political protests in Bangkok against the coup leaders and in favor of deposed Prime Minister Thaksin Shinawatra. Activists want the law to be

debated in the context of a broader national security master plan, with an opportunity for adequate public participation. ISA opponents strongly objected to military-sponsored legislation of such importance and believed that the ISA should only be considered by a democratically-elected government. Professor Naruemol openly questioned the rush to implement the legislation, claiming there was no security threat significant enough to justify the ISA.

COMMENT

-----

19. (C) Although the opposition to the draft legislation has thus far been limited to prominent human rights activists and academics, the public criticism of the draft does appear to be growing in intensity. The early involvement of the high-profile National Human Rights Commission in the debate is particularly notable. While the opposition to the draft could lead to the legislature making substantial revisions when it considers the bill next month, it is unclear how many of the public's concerns will be taken to heart in any final draft. However, we will continue to stress to our interlocutors the importance of ensuring the law is consistent with international norms of civilian control over law enforcement.

BOYCE